

**REMARKS**

Claims 19-25, 30-31, and 36-48 are pending in the instant application.

**Rejection Based on 35 U.S.C. § 112, First Paragraph, Enablement**

In addition to the remarks made in the Applicant's Amendment date April 16, 2007 regarding the Examiner's enablement rejection under 35 U.S.C. § 112, first paragraph to claims 19, and 21-48, the Applicants provide the following additional explanation.

Claim 19 subpart (a) recites "a nucleic acid sequence complementary to SEQ ID NO: 18" among other things. A complement DNA strand, as recited in claim 19, has promoter activity because the claimed complementary sequence embodies the information that characterizes the inventive promoter. Those skilled in the art know how to deploy a complementary sequence as a promoter just as they know how to deploy the original promoter because they know how to derive the inventive promoter sequence from the claimed complementary sequence.

Application No. 10/525,647  
Supplemental Response to Office Action dated November 14, 2006  
Paper dated April 24, 2007  
Attorney Docket No. 4559-045632

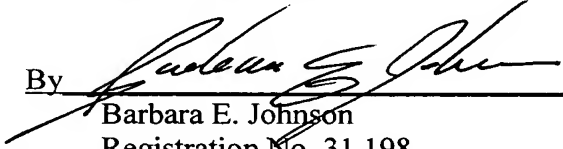
**CONCLUSION**

In view of the foregoing remarks, and amendments and remarks made in the April 16, 2007 Amendment, the Applicants respectfully submit that all pending claims in the instant application are novel over the prior art and are in condition for allowance. Accordingly, reconsideration and withdrawal of the rejections and objections, and a notice of allowance are respectfully requested.

Respectfully submitted,

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